

## REMARKS

The Office Action dated January 3, 2002 has been carefully reviewed. Claims 1-17 are pending in this patent application. Reconsideration of this application is respectfully requested.

### **35 U.S.C. § 103 Rejection**

Claims 1-17 were rejected under 35 U.S.C. § 103 as being unpatentable over Morrison (U.S. Patent No. 6,112,857). Reconsideration of claims 1-17 is respectfully requested.

### Discussion Re: Patentability of Claim 1

Among other limitations, claim 1 recites the following:

(a) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self-service checkout terminals during a first period of time;

(c) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of a first group of said plurality of self-service checkout terminals during a second period of time; and

(d) operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of a second group of said plurality of self-service checkout terminals during said second period of time.

The Examiner alleges that Morrison discloses the following limitations at col. 1, L53-61; col. 8, L 39-51; and col. 17, L1-13: "a retail system which includes (i) a plurality of self-service checkout terminals, (ii) a first remote supervisor terminal, and (iii) a second remote supervisor terminal." (See 1/3/02 Office Action at page 2, lines 16-19.) Based on this fact, the Examiner appears to be equating Morrison's "hand-held scanner device 52" with the claimed

"remote supervisor terminal" (either the first one or the second one). However, the hand-held scanner device 52 does not *monitor operation* of any other device, much less monitor operation of a group of a plurality of self-service checkout terminals as required in any of claimed steps (a), (c), and (d) of Applicants' claim 1. Accordingly, the proposed modification of Morrison does not arrive at the invention of claim 1. Thus, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with respect to the invention of claim 1.

Alternatively, if the Examiner is equating the claimed "remote supervisor terminal" with Morrison's security device 48, this attempt to arrive at the invention of claim 1 is also not well founded. Indeed, the security device 48 merely operates to detect a security event by monitoring weight of an item placed in the bagwell 38 if embodied as a scale, or interruption of a light curtain if embodied as a light curtain device. The security device 48 does not monitor operation of a group of a plurality of self-service checkout terminals as required in any of steps (a), (c), and (d) of Applicants' claim 1.

Moreover, it appears that the Examiner is further alleging that Morrison discloses the following limitations at col. 9, L10-35; col. 9, L45 to col. 10, L 4; col. 16, L 37-67; and col. 17, L1-13: "operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self-service checkout terminals." (See 1/3/02 Office Action at page 2, line 20 through page 3, line 1.) However, nowhere in the above-identified passages of Morrison is there any teaching of the hand-held scanner device 52 (equated with a claimed remote supervisor terminal), or any other device,

monitoring operation of *each of said plurality of self-service checkout terminals* as required by Applicants' claim 1. Accordingly, the proposed modification of Morrison further does not arrive at the invention of claim 1. Thus, a prima facie case of obviousness under 35 U.S.C. § 103 has further not been established with respect to the invention of claim 1.

**If the rejection of claim 1 is maintained after considering the remarks presented herein, the Examiner is respectfully requested to specifically indicate which element disclosed in the Morrison reference is being equated with the following claim elements: (i) the first remote supervisor terminal, (ii) the second remote supervisor terminal, (iii) the plurality of self-service checkout terminals, (iv) the first group of the plurality of self-service checkout terminals, and (v) the second group of the plurality of self-service checkout terminals.**

#### Discussion Re: Patentability of Claims 2-6

Each of claims 2-6 depends directly from claim 1. As a result, each of claims 2-6 is allowable for at least the reasons hereinbefore discussed with regard to claim 1.

Discussion re: Patentability of Claim 7

Claim 7 reads as follows:

7. A method of operating a retail system, comprising the steps of:
- (a) operating a first remote supervisor terminal so as to monitor operation of a first group of self-service checkout terminals during a first period of time;
  - (b) operating a second remote supervisor terminal so as to monitor operation of a second group of self-service checkout terminals during said first period of time;
  - (c) operating said first remote supervisor terminal so as to monitor operation of said second group of self-service checkout terminals during a second period of time; and
  - (d) operating said second remote supervisor terminal so as to monitor operation of said first group of self-service checkout terminals during said second period of time,
- wherein said first group of self-service checkout terminals is different from said second group of self-service checkout terminals,
- wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said first group of self-service checkout terminals via audio, video, and data connection during step (a),
- wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said second group of self-service checkout terminals via audio, video, and data connection during step (b),
- wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said second group of self-service checkout terminals via audio, video, and data connection during step (c)
- wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said first group of self-service checkout terminals via audio, video, and data connection during step (d).

The discussion in regard to the patentability of claim 1 is relevant to the patentability of claim 7. Consequently, Applicants' invention of claim 7 is not unpatentable over a modification of Morrison.

### Discussion Re: Patentability of Claims 8-12

Each of claims 8-12 depends directly or indirectly from claim 7. As a result, each of claims 8-12 is allowable for at least the reasons hereinbefore discussed with regard to claim 7.

### Discussion re: Patentability of Claim 13

Claim 13 reads as follows:

13. A self-service retail system, comprising:  
a plurality of self-service checkout terminals for allowing a plurality of customers to checkout items for purchase;  
a first remote supervisor terminal electrically coupled via audio, video and data connection to each of said plurality of self-service checkout terminals so as to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said plurality of self-service checkout terminals via said audio, video, and data connection; and  
a second remote supervisor terminal electrically coupled via audio, video and data connection to each of said plurality of self-service checkout terminals so as to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said plurality of self-service checkout terminals via said audio, video, and data connection,  
wherein (i) said first remote supervisor terminal is configured to monitor operation of each of said plurality of self-service checkout terminals during a first period of time, (ii) said second remote supervisor terminal is maintained in an idle mode of operation during said first period of time, (iii) said first remote supervisor terminal is further configured to monitor operation of a first group of said plurality of self-service checkout terminals during a second period of time, (iv) said second remote supervisor terminal is further configured to monitor operation a second group of said plurality of self-service checkout terminals during said second period of time, and (v) said first group of said plurality of self-service checkout terminals is different from said second group of said plurality of self-service checkout terminals.

The discussion in regard to the patentability of claim 1 is relevant to the patentability of claim 13. Applicants' invention of claim 13 is therefore not unpatentable over a modification of Morrison.

Discussion Re: Patentability of Claims 14-17

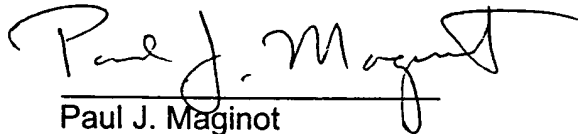
Each of claims 14-17 depends directly from claim 13. As a result, each of claims 14-17 is allowable for at least the reasons hereinbefore discussed with regard to claim 13.

**Conclusion**

In view of the foregoing remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Paul J. Maginot", written over a horizontal line.

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April 3, 2002

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